

ENTERED

September 27, 2016

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KAREN A. RITTINGER,

§

Plaintiff,

§

VS.

CIVIL ACTION NO. 4:16-CV-639

**HEALTHY ALLIANCE LIFE
INSURANCE COMPANY; dba
ANTHEM BLUE CROSS AND BLUE
SHIELD, *et al*,**

§

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§

Defendants.

ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION

Pending before the Court is the Report and Recommendation (“R & R”) of United States Magistrate Judge Dena Hanovice Palermo. (Doc. No. 25). This case was referred to Judge Palermo pursuant to 28 U.S.C. § 636(b)(1)(B) on May 31, 2016. (Doc. No. 16.)

The R & R addresses Defendants’ Motion to Transfer Venue pursuant to 28 U.S.C. § 1404(a). (Doc. No. 5.) Judge Palermo analyzes each of the private and public interest factors adopted by the Fifth Circuit in *In re Volkswagen of Am., Inc.* (545 F.3d 304, 315 (5th Cir. 2008)), finding that although one factor weighs neither for nor against transfer, the other seven factors weigh against transfer. As such, Judge Palermo determines that “Defendants have not met their burden to demonstrate that transfer of venue to the Eastern District of Missouri is either for the convenience of the parties and witnesses or in the interest of justice.” (Doc. No. 25 at 18.)

Defendants timely filed Objections to Judge Palermo’s R & R (Doc. No. 27), Plaintiff filed a Response (Doc. No. 28), and Defendants filed a Reply (Doc. No. 30).

As required by 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of the portions of the R & R to which Defendants objected. However, the Court agrees with the conclusions, and the reasoning, of the R & R. Accordingly, the Court hereby **ADOPTS** the R & R and **DENIES** Defendants' motion to transfer.

IT IS SO ORDERED.

SIGNED in Houston, Texas, on this the 26th day of September, 2016.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE